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6 Attorneys for Claimant
ACE AMERICAN INSURANCE COMPANY
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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
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12 In the Matter of the Complaint of SCOTT
LARSEN and DEBBIE LARSEN, as owners
13 of SWEET EMOTION, from exoneration from
or limitation of liability
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Case No. 2:21-cv-00390-JAM-AC

**JOINT STIPULATION AND ORDER RE:
MODIFICATION OF PRE-TRIAL
SCHEDULING ORDER**

Action Filed: March 3, 2021
Trial Date: February 5, 2024

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1 Claimants Hanover Insurance Company, Atlantic Specialty Insurance Company, Standard
2 Fire Insurance Company, Ace American Insurance Company, Clinton and Kathy Jones, Markel
3 American Insurance Company, Ox Bow Marina and Plaintiffs-in-Limitation Scott and Debbie
4 Larsen submit the following stipulation and proposed order seeking to extend certain discovery
5 deadlines provided in the Court's November 15, 2022 Order. (Docket No. 58).

6 The November 15, 2022 Order, set the following dates:

7 o Expert disclosures to be made by: May 19, 2023

8 o Supplemental disclosure and disclosure of rebuttal experts: June 2, 2023

9 o Discovery to be completed by: July 21, 2023

10 o Dispositive motions to be filed by: September 6, 2023

11 o Dispositive motions to be heard on: November 14, 2023 at 1:30 p.m.

12 o Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of
13 discovery (July 7, 2023).

14 o Final pre-trial conference: December 15, 2023 at 10:00 a.m.

15 o Trial: February 5, 2024 at 9:00 a.m.

16 (Dkt. No. 58).

17 The parties met and conferred and agreed that a continuance of the deadlines for expert
18 disclosures, supplemental disclosures and discovery cut off would be appropriate given the status
19 of discovery as well as the status of settlement negotiations. This action arises out of an explosion
20 and fire at the Ox Bow Marina on September 14, 2020. The parties have diligently taken the
21 depositions of multiple witnesses. However, given the number of witnesses and vessels involved,
22 discovery is not yet complete. In addition, repairs at the Ox Bow Marina are ongoing, discovery
23 regarding the circumstances relating to the incident and the damages incurred by the marina as a
24 result of the incident continue to be undetermined. The parties cannot adequately prepare expert
25 reports until discovery is complete and cannot adequately engage in settlement negotiations until
26 damages can be better determined.

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1 On May 15, 2023, the parties met and conferred and agreed that a further 3-month
2 continuance would allow the parties time to complete the necessary discovery to meaningfully
3 engage in settlement discussion. The parties contacted the Court and confirmed that the Court is
4 able to accommodate the following schedule:

- 5 o Expert disclosures to be made by: August 18, 2023
- 6 o Supplemental disclosure and disclosure of rebuttal experts: Sept. 1, 2023
- 7 o Discovery to be completed by: Oct. 20, 2023
- 8 o Dispositive motions to be filed by: December 8, 2023
- 9 o Dispositive motions to be heard on: February 13, 2024 at 1:30 p.m.
- 10 o Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of
- 11 discovery (Oct. 6, 2023).
- 12 o Final pre-trial conference: March 15, 2024 at 10:00 a.m.
- 13 o Trial: May 6, 2024 at 9:00 a.m.

14 The parties respectfully request the Court grant the parties' request to continue the dates as outlined
15 above.

16 Pursuant to the Monition and order on application for publications, all claims were to be
17 filed on or before April 18, 2021 (Docket Nos. 7, 8). On or about April 20, 2021, Elaine Ilderton
18 filed a request for an extension of time to file her claim (Docket No. 20). The Court granted Ms.
19 Ilderton's request for a 90-day extension to file her claim (Docket No. 21), giving a new filing and
20 service deadline of July 21, 2021. No separate claim by Ms. Ilderton has been filed in this limitation
21 action. Therefore, based on the foregoing facts and pursuant to FRCP Title XIII Rule F(4), Ms.
22 Ilderton does not have a separate claim in this limitation action, making her signature on this
23 Stipulation unnecessary.

24 IT IS SO STIPULATED:

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1 Dated: May 17, 2023

GIBSON ROBB & LINDH LLP

2
3 /s/ C. JOSEPH OU

4 C. Joseph Ou

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6 Attorneys for Claimant

7 ACE AMERICAN INSURANCE
8 COMPANY

9 Dated: May 17, 2023

POWERS MILLER

10 /s/ JOHN P. SCIACCA

11 John P. Sciacca

12 jps@powersmiller.com

13 Attorneys for Plaintiffs

14 SCOTT LARSEN and DEBBIE LARSEN

15 Dated: May 17, 2023

LAW OFFICE OF VICTORIA A.
TURCHETTI

16 /s/ MICHAEL S. LEAVY

17 Michael S. Leavy

18 MSell@ghlaw-llp.com

19 Attorneys for Claimant

20 ATLANTIC SPECIALTY INSURANCE
21 COMPANY

22 Dated: May 17, 2023

COX WOOTON LERNER GRIFFIN &
HANSEN LLP

23 /s/ NEIL S. LERNER

24 Neil S. Lerner

25 nsl@CWLFFIRM.com

26 Attorneys for Claimants

27 CLINTON JONES and KATHY JONES

28 / / /

1 Dated: May 17, 2023

NOMA LAW FIRM

2
3 /s/ SALLY NOMA

4 Sally Noma

sally@nomalaw.com

Attorneys for Claimant

5 MARKEL AMERICAN INSURANCE
6 COMPANY

7
8 Dated: May 17, 2023

KEESAL, YOUNG & LOGAN

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10 /s/ JOHN D. GIFFIN

John D. Giffin

John.Giffin@kyl.com

Attorneys for Claimant

11 OX BOW MARINA
12

13
14 Dated: May 17, 2023

GROTEFELD HOFFMANN GORDON &
15 OCHOA, LLP

16
17 /s/ MARGARET L. SELL

Margaret L. Sell

MSell@ghlaw-llp.com

18 Attorneys for Claimant HANOVER
19 INSURANCE COMPANY
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21 I, C. Joseph Ou attest that the other signatories listed above and on whose behalf the filing
22 is submitted, concurred in the filing's content, and authorized the filing.
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24 /s/ C. JOSEPH OU

C. Joseph Ou
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ORDER MODIFYING PRETRIAL SCHEDULING ORDER

Based on the stipulation of the parties and good cause appearing, the Pre-trial Scheduling Order of July 18, 2022, is **MODIFIED** as follows:

- o Expert disclosures to be made by: **August 18, 2023**
- o Supplemental disclosure and disclosure of rebuttal experts: **September 01, 2023**
- o Discovery to be completed by: **October 20, 2023**
- o Dispositive motions to be filed by: **December 08, 2023**
- o Dispositive motions to be heard on: **February 13, 2024, at 1:30 PM.**
- o Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of discovery.
- o Final pre-trial conference: **March 22, 2024, at 11:00 AM.**
- o Trial: **May 6, 2024, at 9:00 AM.**

Counsel shall contact Judge Mendez' courtroom deputy, M York, via e-mail at myork@caed.uscourts.gov, prior to filing a stipulation and proposed order to continue the dates set forth in this order.

IT IS SO ORDERED.

Dated: May 22, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

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